

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ARTOUR ARAKELIAN,

Petitioner,

- against -

UNITED STATES OF AMERICA,

Respondent.

-----X

ROBERT P. PATTERSON, JR., U.S.D.J.

On January 28, 2009, this Court filed a decision on Petitioner's motion to vacate his sentence based on ineffective assistance of counsel.

Petitioner filed a notice of appeal on February 6, 2009 which the Court of Appeals for the Second Circuit liberally construes as including an application for a certificate of appealability. Certificates of Appealability are governed by 28 U.S.C. § 2253 and Rule 22 of the Federal Rules of Appellate Practice.

As Petitioner's motion to vacate did not make a substantial showing of denial of a constitutional request, a certificate of appealability will not issue. 28 U.S.C. § 2253; see Lozada v. United States, 107 F.2d 1011 (2d Cir. 1997) abrogated on other grounds by United States v. Perez, 129 F.3d 255, 259-60 (2d Cir. 1997).

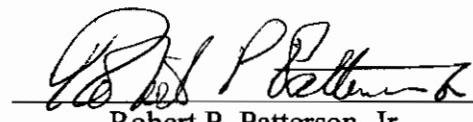
IT IS SO ORDERED.

Dated: New York, New York
February 24, 2009

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| DATE FILED: 2/25/09 |

08 Civ. 3224 (RPP)
04 Cr. 447 (RPP)

OPINION AND ORDER


Robert P. Patterson, Jr.
U.S.D.J.

Copy of this Order sent to:

Petitioner Pro Se:
Artour Arakelian
#56202-054
BSCC, Airpark Unit
3700 Wright Ave.
Big Spring, TX 79720

Counsel for the Government:
Lev L. Dassin, Acting Untied States Attorney
Southern District of New York
Attn: Katherine Polk Failla / Marc Litt
One St. Andrew's Plaza
New York, NY 10007
Tel: (212) 637-2324